

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

KELVIN WILLIAMS,

Plaintiff,

vs.

CHERYL DIXON, Librarian,

Defendant.

CIVIL ACTION NO.: CV504-069

**ORDER**

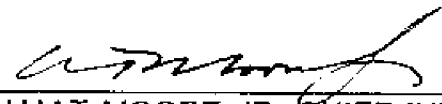
After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff contends that Defendant Dixon denied him access to the prison reference library on February 5, 2004, before he was afforded a disciplinary hearing on February 12, 2004. Plaintiff contends that Defendant Dixon's actions on that date violated his right to due process. Plaintiff also contends that a copy of the grievance he filed pertaining to this matter and Defendant Dixon's statement, which the Court presumes was made in response to Plaintiff's grievance, support his assertion. Plaintiff does not object to the Magistrate Judge's recommendation as to his access to the courts and retaliation claims.

Even if Defendant Dixon denied Plaintiff access to the reference library prior to his disciplinary hearing, he has not shown that said action violated his due process rights. Defendant discharged her burden "by showing that the record lacks evidence to support" Plaintiff's claim that she violated his due process rights. See Hickson Corp. v. Northern

Crossarm Co., Inc., 357 F.3d 1256, 1260 (11th Cir. 2004) (noting that the moving party's burden is discharged by showing that the record lacks evidence to support the nonmoving party's case or that the nonmoving party would be unable to prove his case at trial).

The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Defendant's Motion for Summary Judgment (Doc. No. 21) is **GRANTED**. Plaintiff's Complaint is **DISMISSED**. The Clerk is hereby authorized and directed to enter the appropriate Judgment of Dismissal.

SO ORDERED, this 22<sup>ND</sup> day of AUGUST, 2005.

  
WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA

**United States District Court**  
***Southern District of Georgia***

Kelvin Williams  
\_\_\_\_\_ )

vs \_\_\_\_\_ )

CASE NUMBER CV504-069

Cheryl Dixon, Librarian  
\_\_\_\_\_ )

DIVISION

WAYCROSS

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 8/22/05, which is part of the official record of this case.

Date of Mailing: 8/22/05

Date of Certificate



same date,

or \_\_\_\_\_

Scott L. Poff, Clerk

By: 

Deputy Clerk

Name and Address

Andrew Marshall Magruder, Magruder and Owen, LLP, 2914A Professional Pkwy, Augusta, GA 30907  
Jesse Weatherspoon Owen, Magruder and Owen, LLP, 2914A Professional Pkwy, Augusta, GA 30907  
Kelvin Williams, EF535342-1147752, Ware State Prison, 3620 Harris Road, Waycross, GA 31503



Copy placed in Minutes



Copy given to Judge



Copy given to Magistrate